

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DAVID EUGENE BAILEY,

Plaintiff,

v.

CMS,

Defendant.

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No. 4:11CV403 JCH

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motions to add defendants and amend his complaint by interlineation. As defendant has been previously told in other litigation before this Court, the Court does not accept amendments to a complaint by interlineation. If plaintiff wishes to amend his complaint or add additional defendants, he must include with his motion to amend a proposed complaint, drafted on a court-form, that includes each and every claim he wishes to bring against every defendant he wishes to sue in this action. Plaintiff is warned that the filing of an amended complaint replaces the original complaint, and claims that are not realleged are deemed abandoned. E.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation, 396 F.3d 922, 928 (8th Cir. 2005). Until and unless plaintiff seeks leave to amend his complaint properly, the complaint as originally drafted will stand in this action.

In an abundance of caution, plaintiff is once again warned that the Court will not accept an amended complaint that includes claims against multiple defendants, located at multiple different correctional facilities, which do not arise out of the same transaction or occurrence or, put a different way, that lack any relation to each other. See Fed.R.Civ.P. 18(a) and 20(a)(2). Plaintiff has a history before this Court of attempting to lodge every claim he might have ever had against a person or

facility into one lawsuit, and the Court will not permit such pleading tactics. See George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007). Thus, plaintiff is warned that to the extent he tries to duplicate claims brought in other proceedings before this Court or unnecessarily and irrelevantly attempts to broaden his claims already before this Court, any further motion to amend his complaint will be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motions to substitute and for leave to amend [Doc. #12, #13 and #14] are **DENIED** without prejudice.

Dated this 16th day of June, 2011.

/s/ Jean C. Hamilton

JEAN C. HAMILTON

UNITED STATES DISTRICT JUDGE